



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of  
BADRINA RARA

Serial No.: **09/160,977**

Filed: **September 28, 1998**

Title: **METHOD OF TREATING CANCER  
BY CONJUNCTIVE THERAPY WITH  
2'-HALOMETHYLIDENE  
DERIVATIVES AND A S-PHASE OR  
M-PHASE SPECIFIC  
ANTINEOPLASTIC AGENT**

Examiner: **J. Goldberg**

Art Unit: **1614**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to Asst. Commissioner for Patents, Box DAC, P.O.Box 2327, Arlington, VA 22202 as Express Mail No. EV 047246390 US on

November 21, 2001

Date of Deposit

*Jolly Kapadia*  
Signature

**PETITION FOR REVIVAL OF AN APPLICATION  
UNINTENTIONALLY ABANDONED UNDER 37 C.F.R. §1.137(b)**

Attention: Office of Petitions

Assistant Commissioner for Patents

Box DAC

Washington, D.C. 20231

Sir:

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**NOV 26 2001**

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The above-referenced application became abandoned for failure to timely file a response to the Office letter mailed on May 24, 2000. The Notice of Abandonment, copy attached, was issued on November 30, 2000 and received on December 8, 2000. This Petition is being filed under 37 C.F.R. § 1.137(b) to respectfully request that the Commissioner revive said application.

As required, this petition includes the following items:

(1) Petition fee of \$1240.00 (37 CFR 1.17(m));

11/23/2001 SLUANG1 00000022 181982 09160977

(2) CPA and Payment;

01 FC:141 1280.00 CH

(3) The Applicants' attorney states that the entire delay in filing the required reply from the due date of the reply until the filing of this petition was unintentional.

The Commissioner is hereby authorized to charge the above fees and any other fees required for filing of this Petition, or credit any overpayment, to Deposit Account 18-1982. A copy of the Petition is enclosed for accounting purposes.

Adjustment date: 03/21/2002 - MELLIE  
11/23/2001 - SLUANG1 - 00000022-181982 - 09160977  
1280.00 CR  
01 FC:141

Should this Petition be deemed unnecessary due to the granting of the Petition for Withdrawal of Abandonment filed concurrently, Applicants respectfully request that the Commissioner credit any fees or overpayment that may have been charged with respect to this Petition to Deposit Account 18-1982.

Respectfully submitted,

  
\_\_\_\_\_  
Mark C. Nelligan, Reg. No. 36,389  
Attorney/Agent for Applicant

Aventis Pharmaceuticals Inc.  
Patent Department  
Route #202-206 / P.O. Box 6800  
Bridgewater, New Jersey 08807-0800  
Telephone: 908-231-5789  
Telefax: 908-231-2626

Docket No. M01660J US  
November 21, 2001

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EXHIBIT A



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

ATTORNEY DOCKET NO.

REC

APPLICATION NO. FILING DATE

09/160,977 09/25/98 SUNKARA

FIRST NAMED INVENTOR

S

M01660 J

HM12/1130

HOECHST MARION ROUSSEL INC  
2110 EAST GALBRAITH ROAD  
P O BOX 15300  
CINCINNATI OH 45215-6300



EXAMINER

GOLDBERG, J

ART UNIT

PAPER NUMBER

1614

DATE MAILED:

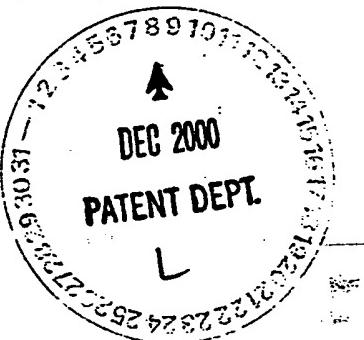
11/30/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

COMPUTER  
ENTERED

DOCKETED FOR



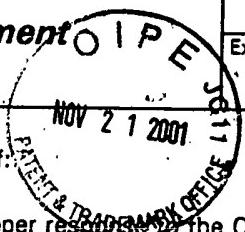
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**Notice of Abandonment**

Application No. 09/160,977	Applicant(s) Sunkara
Examiner Jerome D. Goldberg	Group Art Unit 1614



This application is abandoned in view of:

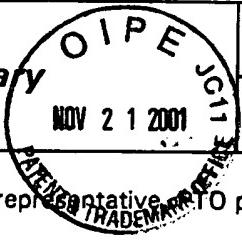
- applicant's failure to timely file a proper response to the Office letter mailed on May 24, 2000.
- A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.  
(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC)).
- No response has been received.
- applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- The submitted issue fee of \$ \_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_.
- The issue fee has not been received.
- applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- No proposed new formal drawings have been received.
- the express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- the letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- the letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- the decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- the reason(s) below:

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JEROME D. GOLDBERG  
PRIMARY EXAMINER  
ART UNIT 1614

**Interview Summary**

Application No. 09/160,977	Applicant(s) <b>Sunkara</b>
Examiner <b>Jerome D. Goldberg</b>	Group Art Unit <b>1614</b>

All participants (applicant, applicant's representative, PTO personnel):

- (1) Jerome D. Goldberg  
(2) Mark C. Nelligan

- (3) \_\_\_\_\_  
(4) \_\_\_\_\_

Date of Interview Nov 27, 2000

Type:  Telephonic  Personal (copy is given to \_\_\_\_\_)  applicant  applicant's representative).

Exhibit shown or demonstration conducted:  Yes  No. If yes, brief description:

Agreement  was reached.  was not reached.

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Claim(s) discussed: \_\_\_\_\_

NOV 26 2001

Identification of prior art discussed:

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Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Atty never got Action but time ran out.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1.  It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2.  Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

JEROME D. GOLDBERG  
EXAMINER  
GROUP 1200

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.